

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE
ENERGY, LLC, a Delaware limited liability
company,

Plaintiff,

v.

VICTORY ENERGY
OPERATIONS, LLC, a Delaware limited
liability company,

Defendant.

CIVIL ACTION
No. 04-CV-325 (ERIE)
Judge Sean J. McLaughlin

O R D E R

AND NOW, this _____ day of April, 2007, upon consideration of
Defendant's Motion For Ruling That The Court Has The Discretion To Award Damages, And
To Determine The Appropriate Measure of Damages, Memorandum in Opposition thereto, it is
hereby ORDERED, DECREED and ADJUDGED that Defendant's Motion is DENIED.

BY THE COURT:

McLaughlin, J.